

REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES
Gregory J. Bielawski Municipal Center, Carol Stream, DuPage County, Illinois

October 17, 2005

Mayor Ross Ferraro called the Regular Meeting of the Board of Trustees to order at 8:00 p.m. and directed Village Clerk Jan Koester to call the roll.

Present: Mayor Ferraro, Trustees McCarthy, Gieser, Saverino, Stubbs and Fenner & Shanahan

Absent: Deputy Clerk Progar

Also Present: Village Manager Breinig, Assistant Village Manager Mellor, Attorney Diamond and Village Clerk Koester

Boy Scout Troop #98 presented the Colors and led those in attendance in the Pledge of Allegiance.

MINUTES:

Trustee McCarthy moved and Trustee Saverino made the second to approve the Minutes of the Meeting of October 3, 2005 as presented. The results of the roll call vote were:

Ayes: 4 Trustees McCarthy, Gieser, Saverino and Stubbs

Nays: 0

Abstain: 2 Trustees Fenner & Shanahan

AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:

Roger Jenisch made a presentation from the Illinois Arts Council giving a check for \$11,480.00 to the Village.

Trustee Gieser read a Proclamation designating October 16 – 22, 2005 as Illinois Arts Week. Mayor Ferraro noted that the Village has received an honorable mention from the Illinois Arts Council Foundation.

CONSENT AGENDA:

Trustee Shanahan moved and Trustee Fenner made the second to establish a Consent Agenda for this meeting. The results of the roll call vote were:

Ayes: 6 Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan

Nays: 0

Absent: 0

Trustee Fenner moved and Trustee Gieser made the second to put the following items on the Consent Agenda for this meeting. The results of the roll call vote were:

Ayes: 6 Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan

Nays: 0

Absent: 0

1. No Action Required: Duke Construction-Rezone-final Subdivision Plat

2. Spec. Use-Contractor's Office & outdoor Activities-300 S.Main - Ord. 2005-10-56
3. Approve purchase 3 squad laptops
4. Rejection of Bids for Standby Pump-PW
5. Ordinance 2005-10-57-Establish Stormwater Advisory Committee
6. R. 2158: Accept public improvements- CS Corp. Center Subdiv.
7. Appointments to Stormwater Commission
8. Regular Bills, Addendum Warrant of Bills- Treasurer's report 9/30/05

Trustee McCarthy moved Trustee Stubbs made the second to approve the Consent Agenda for this meeting by omnibus vote. The results of the roll call vote were:

Ayes: 6 Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan
Nays: 0
Absent: 0

The following is a brief description of those items placed on the Consent Agenda for this meeting.

Spec. Use-Contractor's Office & outdoor Activities-300 S.Main - Ord. 2005-10-56:

At their meeting on October 10, 2005, the Combined Plan Commission/Zoning Board of Appeals recommended approval of a special use permit for outdoor activities and operations and a contractor's office and shop in accordance with staff recommendations. The Board concurred with the recommendation and adopted Ordinance 2005-10-56, ANN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A CONTRACTOR'S OFFICE AND SHOP, OUTDOOR ACTIVITIES AND OPERATIONS – (300 S. MAIN PLACE).

Approve purchase 3 squad laptops:

The Board waived the formal bidding process and approved the purchase of 3 Mobile Data Computers for 3 new police squads through the State of Illinois state bid. The total purchase amount of \$11,796.00.

Rejection of Bids for Standby Pump-PW:

The Board approved the rejection of all three of the pump bids received and directed staff to rebid this project with revised specifications.

Ordinance 2005-10-57-Establish Stormwater Advisory Committee:

The Board adopted Ordinance 2005-10-57, AN ORDINANCE ESTABLISHING A STORMWATER ADVISORY COMMITTEE.

R. 2158: Accept public improvements- CS Corp. Center Subdiv.:

The Board adopted Resolution 2158, A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS – (CAROL STREAM CORPORATE CENTER SUBDIVISION).

Appointments to Stormwater Commission:

The Board approved the following individuals to be named to the Stormwater Advisory Commission;

Mike Holmgren	Accounting Network, Inc.
Allen DuBose	Testing Service Corporation
Mike Mayes	US Postal Service
Milli Jones	College of DuPage

Hank Gmitro	School District 93
Paul Arthurs	Wheaton Christian Center
Pat Brushaber	The Patrick Group
Tim Wilson	Ten Talents, Inc.
Arnie Biondo	Carol Stream Park District
Mary Anselmo	Colony Park
Jim Farmer	432 Hiawatha Drive
Mark Kirland	577 Bluff Street
Dave Jedlicka	1069 Buckskin Lane
Darrell Malcolm	536 Indianwood Drive

Mr. Breinig said that there may be some replacements for some these members if time does not permit them to serve effectively and they will be brought back before the Board.

Regular Bills, Addendum Warrant of Bills- Treasurer's report 9/30/05:

The Board approved the payment of the Regular Bills in the amount of \$610,434.77.

The Board approved the payment of the Addendum Warrant of Bills in the amount of \$442,326.36.

The Board received the Treasurer's Report for month ending September 30, 2005.

REGULAR MEETING:

#05151 – Lakewood Homes, Inc., Fisher Farm Property, North Side of North Avenue West of Gary Avenue

Rezoning (Upon Annexation)

Special Use Permit – Planned Unit Development

Planned Unit Development Plan – Preliminary

Subdivision – Preliminary

RECOMMEND APPROVAL WITH CONDITIONS (4-3)

Staff recommends the Village Board authorize negotiation of an annexation agreement. No Village Board action necessary on the petitioner's requests at this time.

Trustee Saverino commented that he is concerned about the 4-3 vote by the Plan Commission. He said that this needs to be looked into very closely and he is anxious to hear from the residents at the public hearing.

Trustee Stubbs commented that he attended the Plan Commission meeting when this was discussed to hear the Commissioners opinions of this proposed development. He said that his concerns are that this was intended to be a show case development for the Village and the proposed architecture do not reflect this. Mr. Breinig stated that staff will be meeting with Lakewood to further refine the expectations and develop a process to address all of the concerns that have been raised. Trustee Stubbs said that he concurs that a road that connects to Kuhn Road is a good idea and he has concerns about traffic from a Surrey Drive connection. He concurs that he would like to see the 6 unit buildings made smaller as well.

Trustee Fenner concurred with the issues raised by the other Trustees. She stated that making the adjacent residents to this development as comfortable as possible should be our prime objective. Esthetics are important, as is the roadway, but she feels that there

should be a commercial partner coming into this proposed development when it is presented to the Board so that the person that will develop the commercial portion agrees to what is put into the annexation agreement. Trustee Fenner said that she would like to see a plan and know about potential tenants before this is approved.

Trustee Gieser said that he would like to see the road connected to Kuhn Road because of its importance to the future development of the entire area. Mr. Breinig asked if this would in addition to the Surrey Drive connection or in lieu of that connection. He said that Lakewood does not have the property to make the connection to Kuhn Road. They are agreeable to make the land available on their property so that as subsequent development happens to the west can connect, but at this moment in time, Lakewood has no control over the property to the west. Staff is not against the idea, but realistically there is no way Lakewood could compel the road to be built and the Village would have to condemn the property to compel it to be built. We can secure commitments from Lakewood and try to get money set aside for their share of the roadway on their property, but it is unrealistic to put into an annexation agreement a commitment for property that Lakewood does not own. Trustee Gieser said that a developer cannot be expected to do something on property that they do not own, but we should be looking to the future.

Trustee Stubbs said that Trustee Fenner made a good point about the commercial development.

Jim Truesdell, Lakewood Homes commented that all of these issues were raised and discussed at the Plan Commission meeting and they hear the comments and the next step will be to contact staff to sit down and try to work through these issues.

Dee Spink said that she is on the Plan Commission and she has tried to be quiet, but it was said that Lakewood Homes did not need Surrey Drive, they could live in their own existence with what they had, it was the Village that was asking them to put the street in, so therefore she is asking that the street not be considered and wait until we get the connectivity to Kuhn Road. Mayor Ferraro asked how would there be connectivity to Kuhn Road when Lakewood does not own the property and what was being suggested? Mrs. Spink said that she is suggesting that when streets come available then you get it there. She said that she is on the Plan Commission and that there is very little property left in the Village and they are looking to the future, looking to go forward. We know, that someday in the future it will be connected so why should there be a street connection to Surrey Drive which would put a lot of burden onto the property owners when Lakewood Homes has told us that they can have the property and develop it with the connection to Surrey Drive. In response to the question she said that there could be two entrances onto North Avenue. Mayor Ferraro said that if this is developed like that how do people that live there, or the Fire Department or kids going to school would have to go to North Avenue and then all the way around the development. Mayor Ferraro asked if Mrs. Spink did not want the project and she replied that she wants the development, she just does not want the connection on Surrey Drive.

Trustee Fenner moved and Trustee McCarthy made the second to direct staff to negotiate an annexation agreement and to bring it back to the Board for a public hearing. The results of the roll call vote were:

Ayes:	6	Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan
Nays:	0	
Absent:	0	

A short recess was taken at this time.

Resolution renewing the Residential Solid Waste Collection Franchise Agreement with Flood Brothers Disposal Co. & Amending Associated Provisions of the Franchise Agreement with the Village.

Mr. Diamond said that he engaged in negotiations with Flood Brothers over the weekend of some additional items in regard to the contract. He said that a number of Board members were concerned about the fact that the third, fourth and fifth year of the contract had an uncertain dollar amount in it. In dealing with this issue, staff urged Flood Brothers to give a "not to exceed figure" for those years. What is being presented is a proposal which basically says that the first two years will be as stated before and for the third, fourth and fifth year Flood Brothers will, 180 days before the end of the second, third and fourth year submit to the Village a proposal for either on year or for three years. Flood Brothers has agreed that this proposal will not exceed amounts in the second year, an increase in the third, fourth or fifth year in excess of 3.5%. This basically guarantees that their proposal will not be above 3.5%. It could be below that figure as well. Flood Brothers will have to provide some justification for the increase but if it is not more than the 3.5% and there are drastic changes in the economy, the Village would have to approve the proposal. The language in the contract says that Flood Brothers Disposal Company may propose an annual increase of less than 3.5% but it shall limit its request to a maximum amount of 3.5%, which if reasonable justified by its proposal, the Village shall be obligated to accept. The Village may not unreasonably reject the proposal equal to or less than 3.5%. Mr. Diamond said that this is an agreement for five years with pretty much fixed numbers, or not to exceed numbers for the last three years.

Trustee Saverino said that he would have vote against the original proposal, but after studying this new proposal he believes that Flood Brothers have come through again and a 3.5% cap is commendable. Trustee Saverino asked what the Village is paying the \$40,000 that is to be paid every year and Mr. Breinig said that the Village is buying down the cost of the toters. Mr. Breinig explained that this is the same amount of money that the Village has been putting into the contract annually now. For the last several years, the Village has been taking money from the proceeds of what is received from the recycling facility on Fullerton Avenue and have been pumping it back into the program. Every year for the past several years we have taken the rate and frozen it at the prior year rate by putting that money into a payment to Flood Brothers at the beginning of each calendar year so for purposes of comparison, if the price went up 50 cents a month, the Village could be paying that amount, leaving the resident with the prior year rate. It was stated that it would be possible that the large toters will encourage people to recycle more than currently and that could possibly increase the proceeds from the recycling facility. Mr. Breinig also stated that the container have lids which will make for less fly away trash on pick up days as well.

Trustee Gieser asked what the increases would be from year to year and Mr. Oakley said that from this year to 2006 is 4.6%, 2006 to 2007 is 3% and it would up to 3.5% for the years after that.

Trustee Shanahan asked what happens if they can't do it for 3.5% and Mr. Diamond said that they are obligated to do the contract for a 3.5% increase. Mr. Breinig said that staff did offer Flood Brothers the opportunity if they were uncomfortable with having to fix the third, fourth and

fifth years on a two year agreement, in which case, both parties get the benefit of the bargain, we have a known price and they have a known contract. The direction we got was to get as specific as possible and as defined as possible and this is the number that was arrived at.

Trustee Stubbs said that since the initial increase is the biggest, 4.6% for the current year, 3% for the second year , he would like to defer the totor program for another year until the total increase is 3%. Mr. Breinig said that there is a five year amortization schedule and the Village would have to come up with more money, or we would have to discuss this further since it does not appear that the numbers could be shuffled. Flood Brothers has provided the debt schedule, which is a very open stance on their part, to us it looks like a reasonable debt schedule and makes sense. If you shift it to a four year program, the cost of the toters go up on an annual basis. Trustee Stubbs said that he appreciates that there are caps on subsequent years, but having a five year contract is a pretty significant period of time without any other service measurements.

Trustee Shanahan moved to adopt Resolution 2159, A RESOLUTION RENEWING THE RESIDENTIAL SOLID WASTE COLLECTION FRANCHISE AGREEMENT WITH FLOOD BROTHERS DISPOSAL COMPANY AND AMENDING ASSOCIATED PROVISIONS OF THE FRANCHISE AGREEMENT WITH THE VILLAGE AND TO INCLUDE ATTACHMENT #1. Trustee McCarthy made the second. The results of the roll call vote were:

Ayes:	5	Trustees McCarthy, Gieser, Saverino, Stubbs & Shanahan
Nays;	0	
Abstain:	1	Trustee Fenner
Absent:	0	

REPORT OF OFFICERS:

Mayor Ferraro said that he will be in town for the next six weeks. He was at the US Conference of Mayors Public Safety Meeting. He said that he has not decided whether to accept appointments to a couple of committee of the conference. Mayor Ferraro commented that if any Trustee has questions regarding expenses he would appreciate being contacted directly before any statements are made. Mayor Ferraro reminded the Board of the Business Appreciation Luncheon on Wednesday, October 19th and the Board Retreat on Thursday at 5:00 pm and Friday afternoon at 4:30 pm.

Trustee McCarthy said that he has met a number of times with Mallory Reddinger, Ashley Crusello, Sean Marcucci and Eric Booth in regard to the Youth Council. These students are very interested in getting this Council going and are coming up with great ideas for assistance such as helping families in need, have fund raisers, do a youth voter registration, visiting with grade school kids to talk to them about street safety and internet safety. Mayor Ferraro asked the other Trustees if they have any problems with having this be an on-going activity. Everyone concurred that they are in support of this program. Trustee McCarthy said that he is proposing that the Board formally recognize them as a Youth Council.

Trustee Saverino said that it is fantastic that the Board is finding a way to work with the youth in the Village.

Trustee Fenner said that she agrees that the Youth Council is a great idea and only regrets that she did not think of it. On Wednesday Trustee Fenner said that she was honored to attend the presentation from the Illinois Arts Council. She noted that there were ten checks presented, nine went to Addison and one came to Carol Stream. These programs need to be expanded so that the Village can get these grant dollars that are available every year..

Trustee Shanahan said that it is wonderful that young people are willing to get involved.

Trustee Stubbs said that he commends the actions of the Illinois Arts Council. He said that the youth aspect of things are pretty important and to get them involved in the municipal aspects of the place where they live is good. He said that he feels that Trustees have a right to question if

they need additional information and he thinks they have that right and they have the right to look at total costs for any expenditure.

Trustee Gieser reported that the Carol Stream Arts group is increasing programming and developing new programming and hopes to become a much more viable entity in the Village. They will be participating in Illinois Arts week events next year as well as other Arts programming throughout. He thanked the youth council members for participating in their program. Trustee Gieser congratulated the Chicago White Sox for their American League Championship and wished them luck in the World Series.

Village Clerk Koester commended the two rookie trustees for their success with the Youth Council and the Arts Council and said that she is looking forward to Saturday night.

Trustee Shanahan moved and Trustee Fenner made the second to adjourn. The results of the roll call vote were:

Ayes:	6	Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan
Nays:	0	
Absent:	0	

FOR THE BOARD OF TRUSTEES